

34-30-14 Public works -- Wages.

(1) For purposes of this section:

- (a) "Political subdivision" means a county, city, town, school district, local district, special service district, public corporation, institution of higher education of the state, public agency of any political subdivision, or other entity that expends public funds for construction, maintenance, repair or improvement of public works.
- (b) "Public works" or "public works project" means a building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, or other facility owned or to be contracted for by the state or a political subdivision, and that is to be paid for in whole or in part with tax revenue paid by residents of the state.

(2)

- (a) Except as provided in Subsection (2)(b) or as required by federal or state law, the state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair, or improvement of public works pay its employees:

- (i) a predetermined amount of wages or wage rate; or
 - (ii) a type, amount, or rate of employee benefits.

- (b) Subsection (2)(a) does not apply when federal law requires the payment of prevailing or minimum wages to persons working on projects funded in whole or in part by federal funds.

(3) The state or any political subdivision that contracts for the construction, maintenance, repair, or improvement of public works may not require that a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair or improvement of public works execute or otherwise become a party to any project labor agreement, collective bargaining agreement, prehire agreement, or any other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works project.

(4) This section applies to any contract executed after May 1, 1995.

Amended by Chapter 329, 2007 General Session